

## **REMARKS**

### **INTRODUCTION**

Claims 1-28 were previously pending and under consideration.

Claim 29 is added herein.

Claims 5-16 and 19 stand withdrawn

Therefore, claims 1-4, 17, 18, and 20-29 are now pending and under consideration.

Claims 1-4, 17, 18 and 20-28 are rejected.

Claim 17 is amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

### **OBJECTIONS AND CHANGES TO THE DRAWINGS**

In the Office Action, at page 2, the drawings were objected to. In view of the accompanying Attachment to the Amendment, corrections to Figure 1 have been made. A controller 1011 has been added. See page 5, line 25 of the original specification. A storage means 1012 has been added. See page 6, line 1 of the original specification. A controller 3011 has been added. See page 5, line 11 of the original specification. A storage means 3012 has been added. See page 5, line 6 of the original specification. Furthermore, it is clear from Figures 7 and 8 that the controller controls the gathering means and updating means. Therefore, the outstanding drawing objections should be resolved.

Reconsideration and withdrawal of the outstanding objections to the drawings are respectfully requested.

## CHANGES TO THE SPECIFICATION

The Abstract has been amended to clarify two abbreviations. No new matter has been added.

The Specification is amended to reflect the changes to the drawings, discussed above. For support, see the discussion above about the changes to the drawings.

## REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH

In the Office Action, at pages 3-4, claims 1-4, 17, 18 and 20-28 were rejected under 35 U.S.C. § 112, second paragraph. The rejection is traversed because the Examiner is requiring Applicant to explain correspondence between means clauses and the specification.<sup>1</sup> The rejection is traversed due to lack of explanation. The Examiner must provide an analysis as to why a claim is vague and indefinite. The only remarks provided by the Examiner are conclusory statements that various means-for clauses are "not correlated with the descriptive portion of the specification, nor the drawings". Applicant respectfully requests withdrawal of the rejection, or in the alternative, citation of some authority establishing that Applicant must provide the correlation requested by the Examiner.

The rejection is also traversed because the means-for clauses in the claims are distinct (not vague or indefinite). The description clearly shows correspondences to well-defined structure of a computer or computer component implemented in either hardware or software and its associated hardware platform (see MPEP 2106(A)(2)). Consider the following examples of structures that perform functions of various means-for clauses.

Claim 1 recites a storage means "for storing management information of an asset, including information identifying the asset and information identifying a connection node of a computer network to which the asset is connected ". Figure 1 shows a "hardware asset master" 104 and a "software asset master" 105. At page 13, lines 13-23, these are described as having

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<sup>1</sup> According to MPEP 2173.03: "If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action."

registration information identifying hardware and software assets". The masters 104 and 105 have assets identified by asset management numbers. The software and hardware asset masters are linked to IP addresses by way of an asset management register master, which stores asset management numbers (also found in the hardware and software asset masters) in association with IP addresses (information identifying a connection node). See page 14, lines 3-8.

Claim 1 also recites "gathering means for gathering management information included in information circulating over the computer network, including information identifying an asset being managed and information identifying a connection node to which the asset is connected when it is determined that the information circulating over the computer network is information sent from the asset being managed or information addressed to the asset, based on information included in the information circulating over the computer network, to identify a sender and a destination of the information circulating over the computer network". From page 14, line 23, to page 15, line 11, the specification discusses an "asset management client 301 ... gathers management information such as the [MAC and/or IP address] ... [the client] distributes the gathered information to the asset management server 101". See also Figure 1, item 301. Note that the client 301 has a section network master 304, sent to it by the asset management server 101, which it uses for identifying assets.

Claim 1 recites "updating means for comparing the gathered management information with storage contents of the storage means and when the management information and the storage contents are not the same, updating the storage contents of the storage means by the gathered management information". The log of each network section is sent to the asset management server 101, which analyzes same and automatically updates the asset management register master 107 (page 18, lines 13-20).

Note that other structures of the specification may correspond to and perform the functions of the means-for clauses mentioned above. According to MPEP § 2186, "If there is no disclosure of structure, material or acts for performing the recited function, the claim fails to satisfy the requirements [of 112/2d]". A means-for clause fails under § 112, second paragraph not when multiple structures can correspond to the clause, but rather when *no* structure corresponds.

Withdrawal of the rejection is respectfully requested.

## **REJECTIONS UNDER 35 USC § 102**

In the Office Action, at page 5, claims 1-4, 17, 18 and 20-28 were rejected under 35 U.S.C. § 102 as anticipated by Mikurak. This rejection is traversed and reconsideration is requested.

According to claim 1, for example, the storage contents of the storage medium (storage means) are updated when the gathered asset management information does not match the contents of the storage means. Thus, an advantage over Mikurak is that a person need not manually enter management information each time a device, program, etc. is added to a network section (whether by movement from another section or by new procurement). The rejection cites the Time Change command of Mikurak (FIG. 38), which is a method of changing a time zone. However, as explained above, this does not correspond to the updating of claim 1.

Also, according to claim 1, management information is gathered on the basis of identification information and a comparison therewith. In contrast, Mikurak's management component 212 sends an order received from a service provider to the maker and sends a report of completion of the order to the service provider. Furthermore, Mikurak does not disclose any detail of the actual mechanism for gathering information.

Claim 1, for example, also recites managing an asset on the basis of information for identifying an asset (e.g. a MAC address) and information for identifying a connection node (IP address) of a computer network to which it is connected. In contrast, Mikurak discloses updating assets on the basis of whether information provided by a maker matches information provided by a service provider (column 18, lines 5-13). Mikurak does not disclose how the maker itself manages the possessed asset.

Claims 17, 18, 19, 25 and 29 emphasize the above-discussed features and are patentable over the prior art for the reasons discussed above.

## DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 21 recites a communication log of each section storing data-items including sender and destination addresses of information circulating over the network. This feature is not taught or suggested by the prior art. Claim 20 recites means detecting that an asset not being managed is connected to the network and activating an alarm notification upon such detection. Mikurak does not disclose or suggest this feature. Withdrawal of the rejection of the dependent claims is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

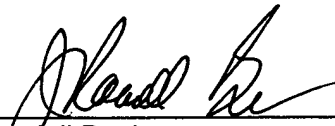
Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

3/15/15

By: \_\_\_\_\_



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**AMENDMENTS TO THE DRAWINGS:**

The drawings are amended as described below by presenting replacement figures as attached hereto.